

Introduced by Senator Denham

February 17, 2010

An act to add Section 11190.5 to the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

SB 1078, as introduced, Denham. Inmates: out-of-state transfers.

Existing law provides for the transfer of inmates to out-of-state institutions pursuant to the Interstate Corrections Compact and the Western Interstate Corrections Compact. Existing law provides that inmates confined in an institution pursuant to the terms of these compacts shall at all times be subject to the jurisdiction of this state and may at any time be removed therefrom for transfer to a prison or other institution within this state or for any other purpose permitted by the laws of this state, as specified.

This bill would provide that no inmate sentenced under California law may be committed or transferred outside of this state unless the Governor personally approves the transfer. The bill would place requirements on agreements to transfer inmates outside of this state, including that the Department of Corrections and Rehabilitation ensure that in any agreement to transfer an inmate outside of this state the receiving state or country shall not release the inmate before the inmate serves his or her full sentence. The bill would prohibit any agreement to transfer an inmate outside of this state to be made if a California law enforcement agency from a jurisdiction where the acts leading to the inmate's imprisonment took place issues a public statement opposing the transfer. The bill would provide that it shall not be construed to apply to inmates not sentenced by a court of this state.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11190.5 is added to the Penal Code, to
2 read:

3 11190.5. (a) Notwithstanding any other law, no inmate
4 sentenced under California law may be committed or transferred
5 to an institution outside of this state by any court or other agency
6 or officer of this state having power to commit or transfer an inmate
7 unless the Governor personally approves the transfer.

8 (b) Any agreement to confine an inmate in an institution outside
9 of this state shall require that at all times the inmate shall be subject
10 to the jurisdiction of the Department of Corrections and
11 Rehabilitation and may at any time be removed therefrom for any
12 purpose permitted by the laws of this state. The Department of
13 Corrections and Rehabilitation shall ensure that in any agreement
14 to transfer an inmate outside of this state the receiving state or
15 country shall not release the inmate before the inmate serves his
16 or her full sentence.

17 (c) No agreement shall be made to transfer an inmate outside
18 of this state if a California law enforcement agency from a
19 jurisdiction where the acts leading to the inmate's imprisonment
20 took place issues a public statement opposing the transfer.

21 (d) Nothing in this section shall be construed to apply to inmates
22 not sentenced by a court of this state.